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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17	TAMARA DOUKAS, an individual,)	CASE NO. CV 08-2336 SI
)	
18	Plaintiff,)	CASE MANAGEMENT CONFERENCE
)	STATEMENT SUBMITTED BY
19	v.)	DEFENDANTS COUNTY OF SAN
)	MATEO, PENINSULA HUMANE
20	COUNTY OF SAN MATEO, a public entity;)	SOCIETY AND DEBI DENARDI
	PENINSULA HUMANE SOCIETY, a private)	
21	non-profit organization; DEBI DENARDI, an)	Date: August 15, 2008
	individual; KIM HADDAD, an individual, and)	Time: 2:00 p.m.
22	DOES 1 through 50, inclusive,)	Ctrm: 10
)	
23	Defendants.)	Complaint Filed: May 6, 2008

Defendants COUNTY OF SAN MATEO, PENINSULA HUMANE SOCIETY and DEBI
DENARDI ("Filing Defendants") respectfully submit this separate Case Management Statement
which incorporates the Standing Order for All Judges of the Northern District of California.

Plaintiff TAMARA DOUKAS is represented by Daniel Berko, Esq.

1 Defendants COUNTY OF SAN MATEO, PENINSULA HUMANE SOCIETY and DEBI
2 DENARDI are represented by Charles S. Custer, Esq. and Jon C. Yonemitsu, Esq. of Gordon &
3 Rees, LLP.

4 Defendants PENINSULA HUMANE SOCIETY and DEBI DENARDI are also
5 represented by Kevin Smith, Esq., of Bradley, Curley, Asiano, Barrabee & Crawford, P.C. and
6 Dwight B. Bishop, Esq., of Dwight B. Bishop, Inc.

7 Defendants DR. KIM HADDAD, KKH, INC. and SPIKE REAL ESTATE (hereinafter,
8 “Dr. Haddad”) are represented by Peter J. Van Zandt, Esq. and Brian S. Whittemore, Esq. of
9 Bledsoe, Cathcart, Diestel, Pederson & Treppa LLP.

10 1. Jurisdiction:

11 Plaintiff alleges, among other things, violation of the Fourth Amendment to the United
12 States Constitution and violation of 42 U.S.C. 1983 relating to the euthanization of her pet dog.

13 2. Facts:

14 This case arises out of the humane euthanization of plaintiff’s Alaskan Malamute
15 (“Kodiak”). On August 2, 2006, plaintiff contends she brought Kodiak to the San Mateo Animal
16 Hospital for treatment of lethargy and decreased appetite. Two veterinarians (one being Dr.
17 Haddad) examined Kodiak and based on the severe symptoms exhibited by the dog, as well as
18 plaintiff’s admissions concerning the physical condition of the dog, both veterinarians concluded
19 Kodiak was gravely ill and appeared to be dying.

20 Plaintiff was in denial and refused to acknowledge the severity of Kodiak’s condition and
21 grave prognosis. Animal control officer Denardi was called to assist with the situation. Upon
22 her independent examination of Kodiak, Officer Denardi also concluded Kodiak was gravely ill,
23 was suffering immensely and was of the opinion based on her experience and training that
24 continuance of the life of Kodiak was inhumane. Although now disputed by plaintiff, it is
25 alleged plaintiff consented to euthanizing Kodiak given the grave prognosis.

26 Filing Defendants contend the euthanization of Kodiak was justified, proper and humane
27 in light of the symptoms exhibited by Kodiak and the grave prognosis.

28

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1 3. Legal Issues:

2 Whether plaintiff can recover actual damages for the loss of Kodiak, as well as damages
3 for emotional distress damages for loss of personal property. Filing Defendants dispute any
4 basis for liability and damages claimed by plaintiff. Filing Defendants additionally contend
5 plaintiff's complaint includes allegations in violation of Rule 11 of the Federal Rules of Civil
6 Procedure. Filing Defendants have attempted to meet and confer with plaintiff's counsel
7 regarding the alleged violations without success. Filing Defendants intend to seek the Court's
8 assistance in this regard and intend to request sanctions against plaintiff's counsel under Rule 11.
9 Filing Defendants further intend to file a motion for judgment on the pleadings as there is no
10 basis of liability based on the allegations set forth in applicable cause of action.

11 4. Motions:

12 Filing Defendants anticipate filing a Motion For Judgment on the Pleadings, Motion For
13 Summary Judgment and a Motion for sanctions and other applicable remedy pursuant to Rule 11.
14 There are no pending motions at this time.

15 5. Amendment of Pleadings:

16 Plaintiff's counsel has not indicated an amendment is expected at this time.

17 6. Evidence Preservation:

18 All relevant x-rays and medical records of Kodiak have been previously produced in the
19 state court action and preserved.

20 7. Disclosures:

21 The parties have not exchanged initial disclosures.

22 8. Discovery:

23 Filing Defendants propose the following Discovery Plan:

<u>Discovery</u>	<u>Party</u>	<u>Date</u>
Interrogatories to Plaintiff	Filing Defendants	September 2008
Document Requests	Filing Defendants	September 2008
Deposition of Plaintiff	Filing Defendants	December 2008
Depositions of Witnesses	Filing Defendants	December 2008

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9. Class Actions:

Not Applicable.

10. Related Cases:

There is currently a related state Court Case in the San Mateo County Superior Court, Case No. 461009.

11. Relief:

Plaintiff seeks unspecified damages relating to the loss of her dog (property) and resulting emotional distress damages. Filing Defendants dispute all liability and plaintiff's claim for damages.

12. Settlement and ADR:

The parties have stipulated to participation in the federal court's mediation program.

13. Consent to Magistrate Judge For All Purposes:

Filing Defendants defer its decision on consent at this time.

14. Other References:

Filing Defendants do not believe this case is suitable for arbitration.

15. Narrowing of Issues:

None at this time.

16. Expedited Schedule:

Filing Defendants do not believe this case is should be handled on an expedited basis.

17. Scheduling:

<u>Action</u>	<u>Proposed Date</u>
Designation of Experts:	June 2009
Discovery Cutoff:	July 2009
Hearing of Dispositive Motions:	July 2009
Pretrial Conference:	September 2009
Trial:	September 2009

18. Trial:

Filing Defendants request a jury trial and anticipate trial will last between 3-5 days.

By _____ / s /
Charles S. Custer
Jon C. Yonemitsu
Attorneys for Defendants
**PENINSULA HUMANE SOCIETY,
DEBI DENARDI and COUNTY OF SAN
MATEO**